

CHARLES O. TONEY, JR., )  
)  
*Plaintiff,* )  
)  
v. ) Case No. 1:10-cv-299  
)  
MARK RAULSTON, BRAIN WOODS, ) Judge Mattice  
and JOHN DOES 1-5, )  
)  
*Defendants.* )  
)

Federal Rule of Civil Procedure 4(m) provides, in pertinent part, as follows:

The complaint in this case was filed on November 3, 2010 [Court Doc. 2]. More than 120 days have passed since the complaint was filed, but there is no evidence in the record to suggest that Plaintiff has served any of the defendants with a copy of the complaint and a summons. Although Plaintiff's *in forma pauperis* application was granted and the Court directed the United States Marshal to serve the Defendants [Court Doc. 3], Plaintiff did not complete the forms properly and service did not issue.

Accordingly, Plaintiff Charles Toney, Jr. is **ORDERED** to file on or before Friday,  
April 8, 2011, a response showing good cause why his complaint should not be dismissed

as to all Defendants pursuant to Rule 4(m). Plaintiff is hereby put **ON NOTICE** that if he does not timely file a response showing good cause, his complaint may be dismissed.

**SO ORDERED** this 7th day of March, 2011.

/s/Harry S. Mattice, Jr.  
HARRY S. MATTICE, JR.  
UNITED STATES DISTRICT JUDGE